

**REMARKS**

Claims 1-37 are currently pending in the present application.

Specification Objections: The specification stands objected to for use of the term “means” in the Abstract, incorporation by reference from a foreign application, and an informality in Specification paragraph [0002].

The Applicant has amended the specification to remove the term “means,” and to enhance the readability of the Abstract.

The Applicant has amended Specification paragraph [0001] to remove the express incorporation language, without intend to alter the scope of the present disclosure, as the referenced document is the German priority application from which the present U.S. application is based.

Finally, the Applicant has amended Specification paragraph [0002] to remove the extra comma at the end of the paragraph.

In view of the foregoing, withdrawal of the pending Specification objections is respectfully requested.

Rejection Under 35 U.S.C. § 112, First Paragraph: Claims 1-37 stand rejected under § 112, first paragraph as not enabled, for alleged lack of sufficient disclosure as to details of the linear sensor. The Applicant appreciates the Examiner’s helpful pointer to the fact that the reference to the details of such a sensor identified in Specification paragraph [0009] is missing the patent number and country of origin for the Hoerbiger Hydraulik patent identified therein. The Applicant has amended Specification paragraph [0009] to add the German patent publication number of the referenced Hoerbiger Hydraulik patent

showing the linear sensor described in paragraph [0009]. A copy of this publication has been separately provided under an Information Disclosure Statement.

The Applicant respectfully submits that the in view of the clear identification of an example of the described linear sensor, one of ordinary skill in the art would be able to practice the present invention without undue experimentation, and thus § 112 enablement requirement has been satisfied. Reconsideration and withdrawal of the pending § 112, first paragraph rejection is respectfully requested.

Drawing Objection: The remaining objection is directed to the lack of illustration of the present invention's controller, electric motor, sensor ring, and induction coil. The Applicant respectfully requests this objection be withdrawn, on the grounds that illustration of such common, well-known features is not required under 37. C.F.R. § 1.83.

Section 1.83(b) provides that in an improvement to an old machine, the portions of the old structure which are not needed to show the connection of the invention with the old structure need not be illustrated. In the present case, electric motors and controllers for operating folding tops and movable roofs have long been known, and are conventional in the art. Further, illustration of these components is not necessary to provide one of ordinary skill in the art with a complete understanding of the connection of the present invention with the old structure (*i.e.*, the present invention's sensor arrangements on the vehicle top mechanism are fully illustrated, and the mere connection of wiring between the

sensors and the controller is a trivial matter to one of ordinary skill).

Accordingly, the Applicant respectfully submits there is no need to add graphic symbols representing the conventional electric motor and the controller to the figures.

As to the ring and coil, the Applicant respectfully submits these conventional features are already adequately illustrated. As noted in Specification paragraph [0024], Fig. 2 includes a *schematic* illustration of a linear sensor in which there is a coil, schematically represented by a “zig-zag line,” and a magnetized rod. As noted in paragraph [0009], this rod alternatively may have a ring mounted on it in lieu of being magnetized. As noted in the specification, such alternative means for exciting a coil to provide position indication are well-known in the art, *i.e.*, conventional features.

The rod schematically illustrated in Fig. 2 does not specifically show a coil-exciting element (either a magnetization pattern on the rod or a ring on the rod), but rather provides an appropriate “graphical drawing symbol,” as required by § 1.83(a). This illustration thus complies with the requirements of § 1.83(a) by providing the viewer with an illustration of a feature of the present invention (the present invention’s use of a linear sensor), without cluttering the figure with detailed illustration of the various well-known sensor construction options. Because the illustration of such conventional features is “not essential to the proper understanding of the invention,” the Applicant respectfully requests the remainder of the pending drawing objection be reconsidered and withdrawn.

**Conclusion**

In view of the foregoing amendments and remarks, the Applicants submit that claims 1-37 are now in allowable form. Issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.52925US).

Respectfully submitted,

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